THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.22857 of 206

Date:- 24th November, 2006

Between :-

Akula Tata Rao .. Petitioner

And

The Donthukurru Gram Panchayat
And another
..Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.22857 of 206

ORDER:-

This Court issued *Rule nisi* on 3-11-2006 and *status quo* was granted for a limited period.

2. Heard the Counsel on record.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in interfering with the petitioner possession and enjoyment of the land to an extent of Ac. 2-97 cents in R.S.No.226 out of Ac.5-34 cents of Dontukurru Village, Katrenikona Mandal, East Godavari District and erecting red flags in the said land without any manner of right and due process of law as illegal, arbitrary and violative of Articles 14, 19 and 300-A of the Constitution of India and pass such other suitable orders.

4. It is stated by the writ petitioner that the petitioner is absolute owner of the land to an extent of Ac.2.97 cents in R.S.No.226 of Dontukurru village, Katrenikona Mandal, East Godavari District. It is also stated that the petitioners transplanted paddy crop in the said land and the same was washed away in view of the recent floods in the month of August, 2006. While the matters stood thus, the Secretary of the 1st respondent – Gram Panchayat and the subordinate staff of the 2nd respondent came to the

above said land about a week back and started measuring the land, having came to know about the same, the petitioners approached them and questioned them and they have informed that they are going to provide house site pattas to the weaker sections of the village and directed the petitioner not to interfere with the measuring work and threatened the petitioners with dire consequences. Several other factual details also are narrated in paras 4 and 5 of the affidavit filed in support of the Writ Petition.

5. The threat of dispossession without following the due process of law is being complained in the Writ Petition, it is needless to say that the respondents are bound to follow due process of law before interfering with the possession of the petitioner in the event of the petitioner being in possession of the subject matter of the Writ Petition. In view of the same, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner in relation to the subject matter of the Writ Petition unless and until the respondents follow the procedure as per law in the event of the petitioner being in possession of the property in question.

6. With the above directions, the Writ Petition is disposed of. No order as to costs.

Justice P.S.Narayana

24th November, 2006

smr